

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)	
86-92 Hamilton Street Realty, LLC)	CHAPTER 11
Debtor)	CASE NO. 08-19212-JNF
)	

**DEBTOR'S *EMERGENCY* MOTION REQUESTING COURT REOPEN DEBTOR'S
CHAPTER 11 CASE AND ENTER AN ORDER VACATING DISMISSAL AND
REQUEST FOR *EMERGENCY* DETERMINATION**

Now comes 86-92 Hamilton Street Realty, LLC (hereinafter "Debtor") by and through its attorney, James P. Ehrhard, and respectfully requests that the Court Reopen the Debtor's Chapter 11 Bankruptcy to allow the Debtor the opportunity to propose a Chapter 11 Plan of Reorganization pursuant to 11 U.S.C. §350(b). As grounds therefore, the Debtor states as follows:

1. The Debtor filed a voluntary Chapter 11 petition for relief on December 2, 2008.
2. A creditor's committee was not appointed in the case.
3. The Debtor, through previous counsel, did not file a Chapter 11 Plan of Reorganization.
4. The Office of the United States Trustee filed a Motion to Dismiss or Convert the Debtor's case on June 25, 2009 for the Debtor's failure to provide the May, 2009 Monthly Operating Report and to pay the first quarter 2009 Trustee quarterly fees.
5. The case was dismissed on July 22, 2009.
6. The Debtor states it prepared and submitted the May operating report to previous counsel to submit to the United States Trustee. The Debtor also states it did not intend to pay the first quarter Trustee fee late and that all fees that may still be owing will be paid immediately.

7. The Debtor owns two buildings with 18 total residential units. As of December 2, 2009, 16 of the 18 units are occupied. These units are currently generating enough income to satisfy all obligations associated with the properties and fund a Plan of Reorganization.
8. The Debtor states a Plan and Disclosure Statement will be filed with the Court within 30-60 days of an Order Re-Opening the Debtor's case.
9. The Debtor requests Emergency Determination of this motion as Emigrant Funding has scheduled foreclosure auctions on the Debtor's properties on Tuesday, December 8, 2009.
10. Counsel for the Debtor attempted to contact counsel for Emigrant Funding via telephone prior to the filing of this motion, but was only able to leave a voicemail for counsel. Counsel for the Debtor also attempted several times to reach the Office of the United States Trustee on December 2, 2009, but the phone was constantly busy.

WHEREFORE, the Debtor respectfully requests that the Court Reopen Debtor's case and enter an Order Vacating Dismissal as the Debtor has completed the operating reports and will pay the outstanding U.S. Trustee Quarterly Fees immediately upon the reopening of the case.

Respectfully submitted,

86-92 Hamilton Street Realty, LLC

By its attorney,

/s/ James P. Ehrhard

James P. Ehrhard, Esq.

BBO # 651797

Michael P. Vernon, Esq.

BBO # 661244

Ehrhard & Associates, P.C.

418 Main Street, 4th Floor

Worcester, MA 01608

(508) 791-8411

ehrhards@ehrhardslaw.com

Dated: December 2, 2009

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)
86-92 Hamilton Street Realty, LLC)
Debtor)
_____)

CHAPTER 11
CASE NO. 08-19212-JNF

CERTIFICATE OF SERVICE

I, James P. Ehrhard, do hereby certify that upon receipt of the notice of electronic service, I will immediately serve a copy of the Motion to Reopen Case to the parties listed below if not noted as having received electronic service:

John Fitzgerald, VIA ECF

Paula R.C. Bachtell, VIA ECF

Shawn Masterson, VIA ECF

Thomas Carlotto, VIA ECF

/s/ James P. Ehrhard
James P. Ehrhard, Esq.

Dated: December 2, 2009

Adister Pineda
3 Albert St
Worcester, MA 01610

Domingo Morales
26 Dalrymple St
Apt 3
Jamaica Plain, MA 02130

Emigrant Funding
42nd E 6th Street
New York, NY 10017

Emigrant Funding Corp.
c/o Stephen M. Adelson, Esq.
Adelson, Loria & Weisman, P.C.
20 Park Plaza, Suite 820
Boston, MA 02116

Emigrant Funding
42 E 6th Street
New York, NY 10017

Keyspan
52 Second Ave
Waltham, MA 02451

NStar
One NStar Way
Westwood, MA 02090

Rudy Renderos
33 Cottage Street, Apt. 3L
Lynn, MA 01905

Emigrant Funding Corporation
5 East 42nd Street
New York, NY 10017

Worcester Public Works
20 E Worcester Street
Worcester, MA 01604

Internal Revenue Service
Insolvency Unit
POB 9112
Boston, MA 02203

MDOR
Bankruptcy Unit
POB 9564
Boston, MA 02114